REMARKS

Claims 19-32 are presently pending in the case. The claims have not been amended. Reconsideration of the present case in view of the remarks herein is requested.

Claim rejections under 35 USC 102

The Examiner rejected claims 19-21, 24, and 26-32 under 35 USC 102(b) as being anticipated by U.S. Patent 4,871,489 to Ketcham (hereinafter Ketcham). The rejection is traversed.

Ketcham does not anticipate claims 19-21, 24, and 26-32. To sustain a section 102 rejection, the reference relied upon, must disclose each and every element of the claimed invention. Claim 19, for example, is to a method for spray drying a feed stock containing a pharmaceutical agent comprising, inter alia, forcing a liquid feed stock into a manifold defined between a vibratable element and a plate and forcing the feed stock through the plate, said plate comprising holes to produce liquid droplets. In contrast, Ketcham does not disclose a vibratable element and a separate plate comprising holes. In Ketcham, the plate (13) is the vibratable element. Therefore, Ketcham does not anticipate claim 19, and Applicant requests withdrawal of the rejection. Claims 20, 21, 24, and 26-31 depend from claim 19 and are also not anticipated by Ketcham for at least the same reason as claim 19.

Ketcham also does not anticipate claim 32. Claim 32 is to a method for spray drying a feed stock containing a pharmaceutical agent comprising, inter alia, providing a liquid feed stock comprising a pharmaceutically active agent. In contrast, Ketcham does not disclose the spray drying of a feed stock which contains a pharmaceutical agent. Ketcham's spray dried compositions are for applications as discussed in column 1 lines 10-34 and in column 16 lines 15-25. Since Ketcham does not disclose the spray drying of a pharmaceutical agent, it does not anticipate claim 32. Applicant requests withdrawal of the rejection.

Claim rejections under 35 USC 103(a)

The Examiner rejected claims 22, 23 and 25 under 35 USC 103(a) as being unpatentable over Ketcham either alone or in view of JP 408015955 to Noda et al (hereinafter

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Noda et al). The rejections are traversed. Each of claims 22, 23, and 25 depend from claim 19. Ketcham does not disclose or suggest forcing a liquid feed stock into a manifold defined between a vibratable element and a plate and forcing the feed stock through the plate, said plate comprising holes to produce liquid droplets, as discussed above. Noda et al also does not teach or suggest the step. Therefore, since neither reference discloses this positively set forth limitation, the references do not render claims 22, 23, and 25 unpatentable, and Applicant requests withdrawal of the rejections.

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Conclusion

The claims are allowable for the reasons given above. Thus, the Examiner is respectfully requested to reconsider the present rejections and allow the presently pending claims. Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

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